

Unnao Case: Additional Record-Based Issues Raised in Appeal

(Annotated for legal clarity; read with the main article)

This addendum lists specific factual and procedural issues that do not always appear in headline narratives but are material to appellate scrutiny. Each point notes why it matters legally and how it appears on record.

A. Call Detail Records on 4 June 2017 (7:52 PM–9:00 PM)

What is claimed on record

The defence relied on CDRs indicating the complainant was on an active phone call with Naresh Tiwari during a period overlapping with the alleged time of assault.

The prosecution argued that location data can be unreliable and suggested possible manipulation, but did not lead expert evidence to establish this.

Why it matters legally

If established, continuous telephonic engagement during the relevant window raises a physical possibility question.

Courts require reasoned rejection of defence evidence; silence or conclusory dismissal can indicate non-application of mind.

Status

Raised before courts; treatment in the trial judgment is contested on appeal.

B. Acquittal of the Alleged Facilitator (Shashi Singh) and the “Access Chain”

What the trial court held

Shashi Singh, alleged to have taken the complainant to the accused on the pretext of employment, was acquitted due to lack of evidence (no calls, no witnesses, no demonstrated relationship).

Why it matters legally

The prosecution's version of how the complainant reached the accused depended on this link.

Appellate scrutiny asks whether, after this acquittal, the prosecution proved any alternative access mechanism.

Status

Central to the appeal; treated as a structural issue rather than a credibility attack.

C. Shifting Timelines and Alibi Neutralisation

What appears on record

Different timings for the same alleged incident appear across:

A complaint to the Chief Minister (2:00 PM)

A media interaction (6:00 PM)

The FIR/trial version (around 8:00 PM)

Why it matters legally

Time is integral to presence, opportunity, and alibi.

Appellate courts expect a reasoned reconciliation when one version is preferred over others—especially where alibi material exists.

Status

The trial court accepted the later timing; the adequacy of reasons is under challenge.

D. Age Determination and POCSO Applicability

What the record shows

Multiple dates of birth across documents.

A private school register relied upon by the trial court; the principal acknowledged tampering.

A forged transfer certificate was noted.

Government school records and medical/forensic opinion indicated majority at the relevant time.

Why it matters legally

Under Section 94 of the JJ Act, unreliable documents elevate the importance of medical opinion.

POCSO applicability materially affects offence classification and sentence.

Status

Flagged as a substantial question of law; already noted by the High Court while suspending sentence.

E. Independent Judicial Analysis of Technical Data Without Expert Aid

What occurred

The trial court analysed tower locations, timing, and distances.

The prosecution itself had cautioned that CDR interpretation requires expert opinion.

Why it matters legally

Courts must avoid supplementing evidence with their own technical inferences absent expert testimony.

This can implicate procedural fairness and evidentiary standards.

Status

Raised as a reasoning defect on appeal.

F. Origin of the June 2017 Gangrape Case and Sequence of Allegations

What the sequence indicates

The earliest FIR in June 2017 named other accused; the appellant was not named during police proceedings, Section 164 statements, or contemporaneous media interactions.

Allegations against the appellant emerged later, after interventions in the earlier case concerning implication of additional family members.

Why it matters legally

Delay alone is not fatal, but sequence can be relevant when assessing consistency and motive, warranting heightened scrutiny.

Status

Cited for contextual evaluation, not as determinative proof.

G. Audio Material in the Gangrape Case (Contextual)

What is referenced

Defence points to audio exchanges suggesting prior communication between the complainant and one of the earlier accused.

Why it matters legally

Such material, if proved and properly admitted, may bear on sequence and consent claims in the earlier case; relevance to the later allegation is limited and contextual.

Status

Contextual; courts typically treat with caution.

H. Separate Accident Case and Institutional Findings

What is on record

Investigations by the CBI, IIT Delhi, and CRRI concluded no conspiracy in a fatal road accident involving the complainant's relatives; the appellant was discharged.

Why it matters legally

This does not determine guilt in the rape case.

It may, however, temper assumptions of omnipotent influence when assessing explanations for delay or silence.

Status

Contextual; not exculpatory for the rape charge.

I. Procedural Delay in Appeal and Requests for Additional Evidence

What the High Court noted

Portions of delay in final disposal were attributed to requests from the complainant's side to introduce further material despite an exhaustive trial.

Why it matters legally

Relevant to case management and the court's assessment of fairness and expedition.

Status

Procedural observation; not merits-based.

J. Sole Testimony and the “Wholly Reliable” Standard

What is argued

While law permits conviction on sole testimony, the defence contends the trial court did not explicitly record a finding that the testimony was “wholly reliable” in light of acknowledged inconsistencies.

Why it matters legally

Appellate review examines whether the correct legal test was applied, not whether the witness should be believed.

Status

A doctrinal issue under consideration.